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BOSWELL, BETH V

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3623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 09/873,173 | Applicant(s) SCHNURMANN ET AL. | |
| | Examiner Beth V. Boswell | Art Unit 3623 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-18, 22-31 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-18, 22-31 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a non-final office action in response to communications received 03/18/08. Prosecution has been reopened to raise the new grounds of rejection under 35 USC 101 set forth below. Claims 1-7, 10-18, 22-31, and 34 are pending.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-7, 10-13, and 28-31 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Based on Supreme Court precedent, and recent Federal Circuit decisions, a § 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876). Thus, to qualify as a § 101 statutory process, the claim should positively recite the other statutory class (the thing or product) to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

In the instant application, claims 1-7, 10-13, and 28-31 fail the first prong of the new Federal Circuit decision since they are not tied to another statutory class and can be

Art Unit: 3623

performed without the use of a particular apparatus. Claims 1, 5-7, 28, and 31 fail to recite any other statutory class to which the claims are tied. Further, while claims 2-4, 10-13, and 29-30 recite databases, these databases are used merely for storing data and thus are not significant to the claimed invention in that the other statutory class is only involved in data gathering which does not significantly contribute to the asserted inventive concept. Thus, claims 1-7, 10-13, and 28-31 are directed to non-statutory subject matter.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 14-18, 22-24, 26-31, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peapod.com in view of Novik (U.S. 6,339,745). Peapod.com is disclosed in the following references:

- i. Screenshots of www.peapod.com retrieved via the Wayback Machine, www.archive.org, and dated 11/13/1996 (referred to herein as reference A);
- ii. Article by Walsh entitled "Survey-Mastering Information Management" from Financial Times, dated 03/15/1999 (referred to herein as reference B).

As per claim 1, Peapod.com teaches a method for providing a service to a client, comprising the steps of:

correlating a client identifier of the client to a geographic location corresponding to a cross-referenced postal address for said client (See reference A, page 2, sections 1-3, page 4, section 2, and reference B, page 1 and page 2, section 1, wherein a database is created for the client and the client is given membership services, including delivery services to the client's home, all of which is tracked in the database, where the client has a user name and password. See reference A, page 2, section 3, page 5, section 2, page 6, and reference B, page 2, section 1, wherein the postal address (i.e. zip location) of the client is cross-referenced to a service area (geographic location));

identifying a location with a delivery location nearest to the geographic location of the client (See reference A, page 2, section 3, page 5, section 2, page 6, and reference B, page 2, section 1, where a location is identified based on the user inputting a postal address (zip code));

obtaining information relative to an individualized service to be provided to the client (See reference A, page 2, section 3, page 4, section 1, page 5, section 1, and page 10, and reference B, page 2, section 1, wherein information is obtained related to the delivery service wanted by at least one client);

preparing for the service according to the information (See reference A, pages 2-3, page 5, section 1, and page 10, wherein the service is prepared for delivery based on the information is obtained related to the delivery service wanted by at least one client. See also reference B, page 2, section 1);

Art Unit: 3623

providing said individualized service to said client by said vehicle nearest to the client based on said correlating and said information (See reference A, page 2, section 3, page 4, section 1, page 6, and page 10, wherein delivery is provided to at least one client based on the client's zip code being within a geographic area).

However, while Peapod.com discloses a client identifier, Peapod.com does not expressly disclose precise terrestrial coordinates corresponding to said postal address being correlated to a pin number of the client. Peapod further does not expressly disclose identifying a delivery vehicle nearest to the terrestrial coordinates of the client.

Novik discloses precise terrestrial coordinates corresponding to a postal address and identifying a delivery vehicle nearest to the terrestrial coordinates of the client (See column 2, lines 25-26 and 39-45, column 3, lines 5-25, column 4, lines 20-36, column 5, line 30-45, column 9, lines 20-45, column 10, lines 15-25 and 59-65, wherein exact addresses and coordinates are displayed on maps and where delivery vehicles are tracked. See also column 11, lines 15-25 and 50-52, column 12, lines 5-25, and column 13, lines 4-15, where a closest delivery vehicle is identified). However, Novik does not expressly disclose that the client identifier is a pin number.

Both Novik and Peapod.com disclose location-based delivery services using location information about the address of the request to provide such services. Peapod.com discloses providing a person home delivery service on items such as those from the grocery or drugstore. Novik discloses correlating coordinate information and street addresses to provide services, as well as identifying an address of an event requiring a vehicle and locating the closest vehicle to this location (column 13, lines 1-15). Novik further discloses that a dispatcher selects the find closest vehicle (such as

Art Unit: 3623

delivery vehicle) function and selects to track vehicles. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide delivery service based on terrestrial coordinates and the store dispatcher locating the nearest delivery vehicle in order to more efficiently provide services to a person by precisely identifying the location of the request and the location of a vehicle. See reference A, page 2, section 3, and page 3, section 1, which emphasizes the speed of delivery of service. Peapod.com also discusses the ease of having deliveries come to the home in reference A, page 2, sections 2-3, page 5, section 1. See column 1, lines 20-35, of Novik which discusses that when a company knows the location of every vehicle in their fleet (such as delivery vehicles), a company can use the vehicles in a more efficient and effective manner. Further, in this section Novik states that by knowing the delivery vehicle's position, the company can estimate delivery times more accurately and determine best routes, etc.

Finally, Peapod.com disclose location-based delivery services using location information about the address of the request to provide such services, and further includes the client identifiers of user name and password. Examiner takes official notice that a pin number is a type of password used to securely and efficiently identify an individual by a system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute a pin number for a password to achieve the predictable result of linking a user with his/her information in a safe, secure, and unique manner.

As per claim 2-4, Peapod.com discloses storing in a database information concerning the client and also storing information that allows a client to cross-reference a

Art Unit: 3623

postal address and a geographic location (See reference A, page 6, and reference B, page 2, section 1). Further, Peapod.com discloses:

as per claim 2, stored information regarding a client identifier, a postal address and a geographic location (See reference A, page 2, sections 1-3, page 4, section 2, page 6, and reference B, page 1 and page 2, section 1) and using a data base having said information relative to said individualized service to be delivered to each of said plurality of clients (See reference A, page 2, section 3, and reference B, page 2, section 1).

as per claim 3, wherein said database includes information selected from the group that includes service requirements (See reference A, page 2, section 3, and reference B, page 2, section 1);

as per claim 4, a postal address and a geographic location for each of said clients and information relative to said individualized service to be delivered to each of said plurality of clients are stored by the system (See reference A, page 2, section 3, page 6, and reference B, page 2, section 1).

However, while Peapod.com and Novik discloses the use of data storage and databases, neither Peapod.com nor Novik expressly discloses a first and a second database versus one common database. Further, neither Peapod.com nor Novik expressly discloses that the client identifier is a pin number.

Both Novik and Peapod.com disclose location-based service using information about the request location, wherein the computer system includes the use of data storage and databases. It is well known in the database arts to use a first and a second database versus one common database in order to increase the efficiency of the database, such as increasing the speed of access time. Therefore, it would have been obvious to one of

Art Unit: 3623

ordinary skill in the art at the time of the invention to implement the data storage and database of Peapod.com using two separate databases in order to increase the access efficiency in retrieving data by decreasing time based on the use of multiple databases. Examiner points out that the use of a single database of two databases storing the claimed data has no functional significance in the claim limitations.

Finally, Peapod.com disclose location-based delivery services using location information about the address of the request to provide such services, and further includes the client identifiers of user name and password. Examiner takes official notice that a pin number is a type of password used to securely and efficiently identify an individual by a system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute a pin number for a password to achieve the predictable result of linking a user with his/her information in a safe, secure, and unique manner.

As per claim 5, Peapod.com discloses ascertaining the status of the delivery of said service (See page 2, section 3, and page 5, section 1, wherein the status of the delivery (what day, what time window) is ascertained by the system.

As per claim 6, Peapod.com discloses setting a window for completion and delivery of 30 minutes or 90 minutes (See reference A, page 2, section 3). However, Peapod.com does not expressly disclose notifying said at least one client about this completion.

Novik discloses the client knowing of the completion of the service (See column 13, lines 1-15, and column 14, lines 15-30, wherein the client is aware of the completion of the service, such as a delivery, and indicates this by paying for the service). However, Novik does not expressly disclose that the client identifier is a pin number.

Both Novik and Peapod.com disclose location-based delivery services using location information about the address of the request to provide such services. Peapod.com discloses providing a person home delivery service on items such as those from the grocery or drugstore, the service provided based on information input into an interface at the person's home location, the home service associated with a fee. Peapod.com further discloses setting a window for completion and a delivery time of 30 minutes or 90 minutes. Novik discloses correlating coordinate information and street addresses to provide services, as well as identifying an address of an event requiring a vehicle and locating the closest vehicle to this location (column 13, lines 1-15). Novik discloses that the client specifically pays for the service based on its completion. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to notify a user of completion of a service (such as via a charge) in order to more efficiently provide services to a person by ensuring that the person is aware of the completion of the service. See reference A, page 2, section 3, and page 3, section 1, which emphasizes the speed of delivery of service. See column 1, lines 20-35, of Novik which discusses that when a company knows the location of every vehicle in their fleet (such as delivery vehicles), a company can use the vehicles in a more efficient and effective manner and the company can estimate delivery times more accurately and determine best routes, etc.

As per claim 7, Peapod.com discloses setting a window for completion and delivery of 30 minutes or 90 minutes, and thus discloses notifying said at least one client of a planned delivery of said service (See reference A, page 2, section 3).

Claim 14 recites substantially similar limitations to claims 1 and 2 above and is therefore rejected using the same art and rationale set forth above.

Claims 15, 16, 17, and 18 are substantially similar to claims 3, 5, 6, and 7, respectively, and are therefore rejected using the same art and rationale set forth above.

As per claim 22, Peapod.com teaches a system for delivering at least one postal service to at least one service requester from a plurality of service requesters, each service requester being at a known postal address, the system comprising:

a cross-referencing module for correlating a client identifier of a service requester to a geographic location, and forming a cross-referenced location for said at least one service requester (See reference A, page 2, sections 1-3, page 4, section 2, page 5, section 2, page 6, and reference B, page 1 and page 2, section 1, wherein the postal address (i.e. zip location) of the client is cross-referenced to a service area (geographic location) and is stored by the website/software. A database is created for the client and the client is given membership services, including delivery services to the client's home, all of which is tracked in the database);

a database for storing information pertaining said at least one postal service applicable to each of said plurality of service requesters to be delivered at said known postal address (See reference A, page 2, section 3, page 4, section 1, page 5, section 1, and page 10, and reference B, page 2, section 1, wherein information is obtained related to the delivery service wanted by at least one client, the information stored in the system); and

a service provider module for identifying a service location (with a delivery vehicle) nearest to the geographic location of the service requester and providing said

Art Unit: 3623

service based on said selected information retrieved from said database at said cross-referenced location (See reference A, page 2, section 3, page 4, section 1, page 5, section 2, page 6, page 10, and reference B, page 2, section 1, where a location is identified based on the user inputting a postal address (zip code)). The delivery is provided to at least one client based on the client's postal information).

However, Peapod.com does not expressly disclose that the geographic location is associated with terrestrial coordinates precisely corresponding to said postal address or identifying a vehicle nearest to the terrestrial coordinates of the service requestor.

Further, Peapod.com does not expressly disclose that the client identifier is a pin number.

Novik discloses precise terrestrial coordinates corresponding to a postal address and identifying a delivery vehicle nearest to the terrestrial coordinates of the client (See column 2, lines 25-26 and 39-45, column 3, lines 5-25, column 4, lines 20-36, column 5, line 30-45, column 9, lines 20-45, column 10, lines 15-25 and 59-65, wherein exact addresses and coordinates are displayed on maps and where delivery vehicles are tracked. See also column 11, lines 15-25 and 50-52, column 12, lines 5-25, and column 13, lines 4-15, where a closest delivery vehicle is identified). However, Novik does not expressly disclose that the client identifier is a pin number.

Both Novik and Peapod.com disclose location-based delivery services using location information about the address of the request to provide such services.

Peapod.com discloses providing a person home delivery service on items such as those from the grocery or drugstore. Novik discloses correlating coordinate information and street addresses to provide services, as well as identifying an address of an event requiring a vehicle and locating the closest vehicle to this location (column 13, lines 1-

Art Unit: 3623

15). Novik further discloses that a dispatcher selects the find closest vehicle (such as delivery vehicle) function and selects to track vehicles. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide delivery service based on terrestrial coordinates and the store dispatcher locating the nearest delivery vehicle in order to more efficiently provide services to a person by precisely identifying the location of the request and the location of a vehicle. See reference A, page 2, section 3, and page 3, section 1, which emphasizes the speed of delivery of service. Peapod.com also discusses the ease of having deliveries come to the home in reference A, page 2, sections 2-3, page 5, section 1. See column 1, lines 20-35, of Novik which discusses that when a company knows the location of every vehicle in their fleet (such as delivery vehicles), a company can use the vehicles in a more efficient and effective manner. Further, in this section Novik states that by knowing the delivery vehicle's position, the company can estimate delivery times more accurately and determine best routes, etc.

Finally, Peapod.com disclose location-based delivery services using location information about the address of the request to provide such services, and further includes the client identifiers of user name and password. Examiner takes official notice that a pin number is a type of password used to securely and efficiently identify an individual by a system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute a pin number for a password to achieve the predictable result of linking a user with his/her information in a safe, secure, and unique manner.

As per claims 23 and 24, Peapod.com teaches a service requester that requests home delivery service (See reference A, page 2, section 3, page 4, section 1, page 6, and

Art Unit: 3623

page 10, wherein delivery is requested by a service requester). However, neither Peapod.com nor Novik expressly disclose that at least one service requester is a handicapped person, where the handicapped person is immobilized.

Both Novik and Peapod.com disclose location-based delivery services using location information about the address of the request to provide such services. Examiner points out that the use of the system with regards to handicapped persons is an intended field of use, since the fact that the client is handicapped has no bearing on the functionality of the claim. Peapod.com discloses providing a person home delivery service on items such as those from the grocery or drugstore. Novik discloses providing services such as delivery services, ambulances, taxis, etc. It is well known in the art that home delivery services, ambulances, and taxis are necessary for some users, such as users with severe handicaps. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide delivery service to a person with a handicap in order to more efficiently meet the needs of handicapped users in a timely and efficient manner. Peapod.com discusses the ease of home deliveries in reference A, page 2, sections 2-3, page 5, section 1. See column 1, lines 20-35, and column 13, lines 1-15, of Novik that discloses efficiency and types of services.

Claims 26 and 27 are both substantially similar to claim 1 and are therefore rejected using the same art and rationale set forth above. Examiner further points out that Peapod.com is disclosed as a computer readable medium and a computer program product (See reference A, page 4).

Claim 28 recites substantially similar limitations to claim 1 and is therefore rejected using the same art and rationale set forth above. Peapod.com further teaches a

Art Unit: 3623

business providing a plurality of services to a plurality of clients (See reference A, page 2, section 3, page 4, section 1, page 6, and page 10, wherein a plurality of delivery services (grocery, drugstore, 30 minute deliveries, 90 minute deliveries, etc.) are provided to at least one client based on the client's postal information).

Claims 29 and 30 are substantially similar to claims 2 and 3, respectively, and are therefore rejected using the same art and rationale set forth above.

As per claim 31, Peapod.com discloses wherein said client is a business and said service is selected from the group of services including: providing quick purchasing (See page 7 and page 10, which discuss commercial delivery).

Claim 34 is substantially similar to claim 28 and is therefore rejected using the same art and rationale set forth above. Peapod.com further disclose computer readable code means implemented in a computer medium (See reference A, page 4, and reference B, page 2, section 1)

5. Claims 10-13 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peapod.com in view of Novik (U.S. 6,339,745) and in further view of Behnke (U.S. 4,360,875). Peapod.com is disclosed in the following references:

- i. Screenshots of www.peapod.com retrieved via the Wayback Machine, www.archive.org, and dated 11/13/1996 (referred to herein as reference A);
- ii. Article by Walsh entitled "Survey-Mastering Information Management" from Financial Times, dated 03/15/1999 (referred to herein as reference B).

As per claim 10, Peapod.com teaches a method comprising:

correlating a client identifier to a postal address of the client (See reference A, page 2, sections 1-3, page 4, section 2, and reference B, page 1 and page 2, section 1, wherein a database is created for the client and the client is given membership services, including delivery services to the client's home, all of which is tracked in the database);

delivering a service to a person at a postal address (See reference A, page 2, section 3, page 4, section 1, page 6, and page 10, wherein delivery is provided to at least one client based on the client's postal information), the method including the steps of:

creating storage for cross-referencing said postal address to a geographic location for each person of a plurality persons (See reference A, page 2, section 3, page 5, section 2, page 6, and reference B, page 2, section 1, wherein the postal address (i.e. zip location) of the client is cross-referenced to a service area (geographic location) and is stored by the website/software);

creating a database for storing details pertaining said service applicable to said to be delivered at said postal address (See reference A, page 2, section 3, page 4, section 1, page 5, section 1, and page 10, and reference B, page 2, section 1, wherein information is obtained related to the delivery service wanted by at least one client, the information stored in the system);

identifying a location with a delivery location nearest to the geographic location of the client (See reference A, page 2, section 3, page 5, section 2, page 6, and reference B, page 2, section 1, where a location is identified based on the user inputting a postal address (zip code));

Art Unit: 3623

preparing for the service in advance according to applicable details (i.e. input information) (See reference A, pages 2-3, page 5, section 1, and page 10, wherein the service is prepared for delivery based on the information is obtained related to the delivery service wanted by at least one client. See also reference B, page 2, section 1);

providing said service to said person based on said cross-referenced location , on said selected information retrieved from said second database, and based on said applicable details (See reference A, page 2, section 3, page 4, section 1, page 6, and page 10, wherein delivery is provided to at least one client based on the client's postal information).

However, Peapod.com does not expressly disclose that the person is a handicapped person, a first and a second database, that the geographic location is terrestrial coordinates, or identifying the vehicle nearest to the terrestrial coordinates identified and providing service based on the nearest vehicle. Peapod.com further does not expressly disclose that the client identifier is a pin number.

Novik discloses precise terrestrial coordinates corresponding to a postal address and identifying a delivery vehicle nearest to the terrestrial coordinates of the client (See column 2, lines 25-26 and 39-45, column 3, lines 5-25, column 4, lines 20-36, column 5, line 30-45, column 9, lines 20-45, column 10, lines 15-25 and 59-65, wherein exact addresses and coordinates are displayed on maps and where delivery vehicles are tracked. See also column 11, lines 15-25 and 50-52, column 12, lines 5-25, and column 13, lines 4-15, where a closest delivery vehicle is identified).

However, Novik does not expressly disclose that the person is a handicapped person, that the client identifier is a pin number, or a first and a second database.

Art Unit: 3623

Behnke discloses first and second storage units (See column 5, lines 55-65, column 7, lines 5-20, column 9, lines 25-40, wherein each terminal and central system has separate data storage) and handicapped persons needing door-to-door services (See column 1, lines 30-45). However, Behnke does not expressly disclose that the client identifier is a pin number.

All of Novik, Behnke, and Peapod.com disclose location based service, as well as the use of data storage and databases. Novik discloses correlating coordinate information and street addresses to provide services, as well as identifying an address of an event requiring a vehicle and locating the closest vehicle to this location (column 13, lines 1-15). Novik further discloses that a dispatcher selects the find closest vehicle (such as delivery vehicle) function and selects to track vehicles. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide delivery service based on terrestrial coordinates and the store dispatcher locating the nearest delivery vehicle in order to more efficiently provide services to a person by precisely identifying the location of the request and the location of a vehicle. See reference A, page 2, sections 2-3, and page 3, section 1, page 5, section 1, which emphasizes the speed of delivery of service and the ease of having home deliveries. See column 1, lines 20-35, of Novik which discusses that when a company knows the location of every vehicle in their fleet (such as delivery vehicles), a company can use the vehicles in a more efficient and effective manner. Further, in this section Novik states that by knowing the delivery vehicle's position, the company can estimate delivery times more accurately and determine best routes, etc.

Art Unit: 3623

Further, Peapod.com discloses providing a person home delivery service on items such as those from the grocery or drugstore. Novik discloses providing services such as delivery services, ambulances, taxis, etc. Behneke specifically discloses the need of handicapped persons for door-to-door service. Examiner points out that the use of the method with regards to handicapped persons is an intended field of use, since the fact that the client is handicapped has no bearing on the functionality of the claim. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide delivery service to a person with a handicap in order to more efficiently meet the needs of handicapped users in a timely and efficient manner. See column 1, lines 5-11 and 30-40, of Behneke and reference A, page 2, section 3, and page 3, section 1, both emphasizing the speed of delivery of service. Peapod.com also discusses the ease of having deliveries come to the home in reference A, page 2, sections 2-3, page 5, section 1.

Furthermore, Peapod.com discloses database and storage associated with the website and software as well as geographical locations associated with postal information. Behnke discloses that terminal and central system have separate data storage, storing different information, as well as terrestrial coordinates associated with the postal location of a customer. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the data storage and database of Peapod.com using two separate databases in order to increase the access efficiency in retrieving data by decreasing time based on the use of multiple databases. Examiner points out that the use of a single database of two databases storing the claimed data has no functional significance in the claim limitations.

Finally, Peapod.com disclose location-based delivery services using location information about the address of the request to provide such services, and further includes the client identifiers of user name and password. Examiner takes official notice that a pin number is a type of password used to securely and efficiently identify an individual by a system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute a pin number for a password to achieve the predictable result of linking a user with his/her information in a safe, secure, and unique manner.

As per claim 11, Peapod.com teaches wherein said service includes providing a rapid and timely delivery of medication to said person (See reference A, page 2, section 3, page 4, section 1, page 6, and page 10, wherein delivery is provided to at least one client within windows of 90 or 30 minutes, wherein a delivery includes a delivery from a drugstore (i.e. medications)).

However, neither Peapod.com nor Novik expressly discloses that the person is handicapped or that the drugs delivered are based on renewal dates.

Behnke discloses requested service delivery wherein handicapped persons require door-to-door services, thus since the handicapped person requires door-to-door service, the handicapped person is immobile without the service (See column 1, lines 5-14 and 30-45). However, Behnke does not discuss medications with renewal dates.

Both Behnke and Peapod.com disclose home service based on information input into an interface at the person's home location. Peapod.com discloses providing a person home delivery service on items such as those from the grocery or drugstore. Behneke discloses the need of handicapped persons for door-to-door service. It is well known in the art that home delivery services are necessary for some users, such as users with severe handicaps. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide delivery service to a person with a handicap in order to more efficiently meet the needs of handicapped users in a timely and efficient manner. See column 1, lines 5-11 and 30-40, of Behneke and reference A, page 2, section 3, and page 3, section 1, both emphasizing the speed of delivery of service. Peapod.com also discusses the ease of having deliveries come to the home in reference A, page 2, sections 2-3, page 5, section 1.

Further, reordering medication on renewal dates known to a system (be that of a doctor, a pharmacy (i.e. drug store), or a patient) is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to place drug delivery orders in Peapod.com using renewal dates in order to more accurately

Art Unit: 3623

ensure that a patient is being administered drugs at the proper time (i.e. does not miss a date, does not overlap, etc.).

As per claims 12 and 13, Peapod.com discloses a person initiating a call to confirm an order and the delivery being sent as soon as confirmed by said person (See page 2, section 1, page 4, and page 7, wherein the person calls the service and the delivery is sent upon confirmation). Peapod.com teaches wherein said service is selected from the group that includes determining a preferred delivery mode required by said person (See reference A, page 2, section 3, page 3, section 1, page 5, section 1, wherein delivery preferences are specified).

However, neither Peapod.com nor Novik expressly disclose that the person is handicapped. Behnke discloses requested service delivery wherein handicapped persons require door-to-door services, thus since the handicapped person requires door-to-door service, the handicapped person is immobile without the service (See column 1, lines 5-14 and 30-45). These references are combinable for the reasons set forth above with respect to claim 10.

Claims 25 is substantially similar to claim 13 and is therefore rejected using the same art and rationale set forth above.

Response to Arguments

4. Applicant's arguments with regards to Peapod.com (see references below) in view of Novik (U.S. 6,339,745) and Peapod.com in view of Novik and in further view of Behnke (U.S. 4,360,875) have been fully considered, but they are not persuasive. In the remarks, Applicant argues that neither Peapod nor Novik teach or suggest (1) correlating

Art Unit: 3623

a client pin number to terrestrial coordinates corresponding to a cross-referenced postal address of the client, (2) identifying a delivery vehicle nearest to the terrestrial coordinates of the client, and (3) the first and second databases of claim 2.

In response to argument (1), Examiner points out that pin numbers have been added in the current amendments to the claims and are therefore addressed below in the new art rejections, necessitated by amendment. Examiner has not relied on Novik nor Peapod to teach pin numbers in these rejections. As for correlating a client identifier to a postal address of the client, Peapod discloses a database being created for each client, wherein a profile is stored that allows for easy ordering and reordering of products, all of which is tracked in the database. See reference A, page 2, sections 1-3, page 4, section 2, and reference B, page 1 and page 2, section 1. The system knows the address of the consumer since the product is delivered to the home of the consumer.

In response to argument (2), Examiner respectfully disagrees. The claim recites “identifying a location with a delivery location nearest to the geographic location of the client”. There is no specific recitation of how this identifying occurs, beyond that it is some how related to terrestrial (earth) coordinates. Peapod discloses in at least reference A, page 2, section 3, page 5, section 2, page 6, and reference B, page 2, section 1, that a location is identified based on the user inputting a postal address (zip code). Novik discloses identifying a delivery vehicle nearest to the terrestrial coordinates of the client in at least column 2, lines 25-26 and 39-45, column 3, lines 5-25, column 4, lines 20-36, column 5, line 30-45, column 9, lines 20-45, column 10, lines 15-25 and 59-65, wherein exact addresses and coordinates are displayed on maps and where delivery vehicles are tracked. See also column 11, lines 15-25 and 50-52, column 12, lines 5-25, and column

Art Unit: 3623

13, lines 4-15, where a closest delivery vehicle is identified. Thus, the combination of the references does teach and suggest the claim limitations.

In response to argument (3), Examiner respectfully disagrees. Peapod.com discloses storing in a database information concerning the client and also storing information that allows a client to cross-reference a postal address and a geographic location (See reference A, page 6, and reference B, page 2, section 1). Further, Peapod.com discloses stored information regarding a client identifier, a postal address and a geographic location (See reference A, page 2, sections 1-3, page 4, section 2, page 6, and reference B, page 1 and page 2, section 1) and using a data base having said information relative to said individualized service to be delivered to each of said plurality of clients (See reference A, page 2, section 3, and reference B, page 2, section 1).

However, while Peapod.com and Novik discloses the use of data storage and databases, neither Peapod.com nor Novik expressly discloses a first and a second database versus one common database. Since both Novik and Peapod.com disclose storing such information in data storage and databases and since it is well known in the database arts to use a first and a second database versus one common database in order to increase the efficiency of the database, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the data storage and database of Peapod.com using two separate databases in order to increase the access efficiency in retrieving data by decreasing time based on the use of multiple databases. Examiner points out that the use of a single database of two databases storing the claimed data has no functional significance in the claim limitations.

Art Unit: 3623

Conclusion

Any inquiry concerning this communication should be directed to Beth V. Boswell at telephone number (571)272-6737.

/Beth V. Boswell/

Supervisory Patent Examiner, Art Unit 3623